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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,141

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Alexander Delitz

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7590

03/04/2009

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EXAMINER

ALLISON, ANDRAE S

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Remarks

1. The Office Action has been made issued in response to amendment filed December 1, 2008. Claims 1-33 are pending. Applicant's arguments have been carefully and respectfully considered in light of the instant amendment, and are not persuasive. Accordingly, this action has been made FINAL.

Claim Rejections – 35 USC section § 112

On page 12 of the response, Applicant argued that the claims recite obtaining graphic information from a first mail piece and physically sorting a second mail piece based on the graphical information of the first mail piece, however, the Examiner disagrees. The claims instead recite evaluating graphic information found on mail pieces, to obtain a first results, but does not specifically refer to a first mail piece. Applicant further argues that the claims recite sorting the second mail pieces was based on information found on the first mail piece. However, the claim does not recite obtaining graphic information from a first mail piece. Applicant further argued that if the graphical information from the first mail piece lack franking information or has incorrect franking information, the database is checked to determine whether the incorrect or missing franking indicates fraud by comparing the graphical data from the first mail piece to know fraudulent graphical information in the database and if a match is found, the database is updated. However, the claims clearly states that the database is

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augmenting with additional sorting features based on the first result, not information found on the first mail piece. Therefore, Applicant arguments are groundless, since the features Applicant is discussing are not found in the claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The subject matter of claims 1 and 28 is directed to sorting mail pieces. However, it is unclear as to how a second mail piece is sorted using information extracted from a first mail piece. Therefore, one of ordinary skill in the art would not have been able to practice the invention without undue experimentation and burden.

Claims 2-27 and 29-33 are being rejected as incorporating the deficiencies of the claim upon which each respective claim depends.

Examiners Notes

Pending the clarification of the 112 rejection, there is no prior art available for rejecting claims 1-33.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRAE S. ALLISON whose telephone number is (571)270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

February 27, 2008

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/Jingge Wu/

Supervisory Patent Examiner, Art Unit 2624